IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Crl.MC.No. 2065 of 2006()

C.P.NO.55/2003 OF THIS HONOURABLE COURT

PETITIONER:

THE MANAGING DIRECTOR,
KOTTAYAM GOLDEN MARINE (P) LTD.,
3RD FLOOR, MADUKKANNIL PCT QUARTERS,
KANJIKUZHY JUNCTION, KOTTAYAM.

BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS

RESPONDENTS:

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1. M/S.KERALA HARDWARES, FLOWER JUNCTION,
KOCHI-35, REP. BY ITS PARTNER, SRI.UMESH KAMMATH,
T.D.ROAD, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KOTTAYAM EAST POLICE STATION, KOTTAYAM.

3. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2065 of 2006

Dated this the 19th day of July 2007

O R D E R

The petitioner has come to this court with the grievance that the second respondent, before whom he has filed Annexure 5 complaint, is not taking any action against the first respondent for the offences committed by the first respondent, about which complaint is received in Annexure 5. The learned Public Prosecutor, on instructions, submits that it is true that Annexure 5 has been received by the second respondent; but no crime has been registered as the said complaint does not reveal the commission of any cognizable offence. The learned Public Prosecutor submits that the allegations in Annexure 5 only, at worst, reveal a civil wrong and there is no element of any culpability therein.

2. What is the complaint? The short complaint is that signed blank cheques given by the petitioner to the first respondent are not returned. This, in short is the complaint. I am of the opinion that the second respondent is correct in taking

up the contention that Anenxure 5 does not at all reveal the commission of any cognizable offence. For non-return of the cheques allegedly handed over which have not admittedly been misused, the petitioner has not taken appropriate steps under civil law and I find no merit whatsoever in the grievance that a crime must have been registered on the basis of Annexure 5.

3. This Criminal Miscellaneous Case is, in these circumstances, dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007